HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES
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HOUSE RESEARCH ORGANIZATION

daily floor report

Wednesday, May 06, 2015
84th Legislature, Number 64
The House convenes at 10 a.m.
Part Two

Fifty bills are on the daily calendar for second-reading consideration today. The bills analyzed or digested in Part Two of today's *Daily Floor Report* are listed on the following page.

Alma Allen
Chairman
84(R) - 64

HOUSE RESEARCH ORGANIZATION

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Wednesday, May 06, 2015
84th Legislature, Number 64
Part 2

SUBJECT: Medicaid and CHIP eligibility for a child in a juvenile justice facility

COMMITTEE: Public Health — committee substitute recommended

VOTE: 10 ayes — Crownover, Naishtat, Blanco, Collier, S. Davis, Guerra, R. Miller, Sheffield, Zedler, Zerwas

0 nays

1 absent — Coleman

WITNESSES: For — Katharine Ligon, Center for Public Policy Priorities; Katherine Barillas, One Voice Texas; Lauren Rose, Texans Care for Children; Lindsey Linder, Texas Criminal Justice Coalition; Ryan Van Ramshorst, Texas Pediatric Society, Texas Medical Association; (*Registered, but did not testify*: Laura Guerra-Cardus, Children's Defense Fund-TX; Kathryn Lewis, Disability Rights Texas; Claire Bocchini, Doctors for Change; Neftali Partida, Houston Methodist Hospital; Jane McFarland, League of Women Voters Texas; Shannon Lucas, March of Dimes; Cate Graziani, Mental Health America of Texas; Miryam Bujanda, Methodist Healthcare Ministries; Greg Hansch, National Alliance on Mental Illness (NAMI) Texas; Will Francis, National Association of Social Workers-Texas Chapter; Mariah Ramon, Teaching Hospitals of Texas; Sarah Crockett, Texas CASA; Jennifer Allmon, The Texas Catholic Conference of Bishops; Chris Hubner, Travis County Juvenile Probation Dept.; Julie Wheeler, Travis County Commissioners Court; Casey Smith, United Ways of Texas; Caroline Kaufman; Daniel Leeman; Marian Rain; Courtney Shipman)

Against — None

On — (*Registered, but did not testify*: Lisa Carruth, Michael Ghasemi, and Gina Perez, Health and Human Services Commission; Carolyn Beck, Texas Juvenile Justice Department)

BACKGROUND: Individuals under age 19 who are eligible for Medicaid or the Children's Health Insurance Program (CHIP) may have their Medicaid or CHIP

benefits terminated when they are committed to a juvenile justice facility in Texas, which can cause a gap in coverage and an inability to access mental health care when these individuals are released from detention. Some have called for these individuals to be considered presumptively eligible for Medicaid and CHIP to avoid this gap in coverage after their release from a juvenile justice facility.

DIGEST:

CSHB 839 would require the executive commissioner of the Health and Human Services Commission to adopt rules by January 1, 2016, that would provide for the determination and certification of presumptive eligibility for a child under the age of 19 who applied for and met the basic eligibility requirements for Medicaid or Children's Health Insurance Program (CHIP). The bill would exempt from the Medicaid or CHIP waiting period a child who was certified as presumptively eligible for Medicaid or CHIP under rules developed by the executive commissioner.

Regarding CHIP, the executive commissioner's rules under the bill would:

- allow only a juvenile facility for the placement, detention, or commitment of a child under the Juvenile Justice Code to serve as a qualified entity and make a presumptive eligibility determination for a child to be eligible for CHIP; and
- identify the services and benefits, including mental health and substance abuse services, prescription drug benefits, and primary care services, that a child who was presumptively eligible for CHIP could receive under the program.

Regarding Medicaid alone, the executive commissioner's rules under the bill would:

- allow only a juvenile justice facility for the placement, detention, or commitment of a child under the Juvenile Justice Code to serve as a qualified entity and make a presumptive eligibility determination for Medicaid for a child, unless the presumptive eligibility determination was made in accordance with eligibility rules adopted regarding Medicaid for a pregnant woman, treatment for breast and cervical cancer, or ambulatory prenatal care;
- identify the services and benefits, which would have to include

mental health and substance abuse services, that a child who was presumptively eligible for medical assistance could receive under Medicaid; and

- not affect the presumptive eligibility of a person applying for Medicaid during a pregnancy, for treatment of breast and cervical cancer, or ambulatory prenatal care.

If, before implementing any provision of the bill, a state agency determined that a waiver or authorization from a federal agency was necessary for implementing that provision, the bill would direct the agency affected by the provision to request the waiver or authorization and would allow the agency to delay implementing that provision until the waiver or authorization was granted.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUBJECT: Regulating amusement redemption machine game rooms

COMMITTEE: Licensing and Administrative Procedures — committee substitute recommended

VOTE: 8 ayes — Smith, Gutierrez, Geren, Goldman, Guillen, Kuempel, D. Miller, S. Thompson

0 nays

1 absent — Miles

WITNESSES: For — Lee Woods, Amusement and Music Operators of Texas; Melinda Ramos and Danny Scarth, City of Fort Worth; (*Registered, but did not testify*: Stephen Fenoglio, Amusement and Music Operators of Texas; Seth Mitchell, Bexar County Commissioners Court; Steve Bresnen, Coalition for the Survival of Charitable Bingo; Jim Allison, County Judges and Commissioners Association of Texas; Donna Warndof, Harris County; Mark Mendez, Tarrant County Commissioners Court; Rick Thompson, Texas Association of Counties; Glenn Deshields, Texas Charity Advocates; Donald Lee, Texas Conference of Urban Counties)

Against — (*Registered, but did not testify*: Rob Kohler, Christian Life Commission of the Baptist General Convention of Texas)

BACKGROUND: In 2013, the 83rd Legislature enacted HB 2123 by Guillen and HB 1127 by Smith, which allowed Willacy County and Harris County, respectively, to regulate the operation of game rooms. These bills created two versions of Local Government Code, ch. 234, subch. E — one for each county.

Under both versions of subchapter E, the applicable county is authorized to regulate the operation of game rooms in a variety of ways, such as restricting their locations, prohibiting game rooms within a certain distance of schools, places of worship, or neighborhoods, or restricting the number of game rooms allowed in the county.

Subchapter E defines a “game room” as a for-profit business located in a

building or place that contains six or more amusement redemption machines. “Amusement redemption machine” means certain machines made for amusement purposes that exclusively reward players with noncash prizes that have a value of no more than 10 times the amount charged to play the game once or $5, whichever is less.

DIGEST:

CSHB 1830 would repeal Local Government Code, ch. 234, subch. E as added by HB 2123 in 2013, which applied to counties with a population of less than 25,000 that were adjacent to the Gulf of Mexico and within 50 miles of an international border (Willacy County).

The bill also would repeal Local Government Code, sec. 234.132 as added by HB 1127 during the 83rd legislative session, which applied the subchapter to counties with a population of 4 million or more (Harris County). It would leave in place the other provisions of subchapter E as added by HB 1127 authorizing counties to regulate game rooms.

The bill would take effect September 1, 2015.

SUPPORTERS SAY:

CSHB 1830 would remove provisions that limit to certain counties the authority to regulate game rooms, giving all counties in the state the ability to regulate game rooms. It is difficult for law enforcement to build individual cases against illegal gambling operations that take place in game rooms. A better way to deal with illegal gambling would be to allow each county to regulate game rooms in a way that worked for each individual county. The bill would give counties several tools to use in combating the illegal gambling problem in Texas.

OPPONENTS SAY:

CSHB 1830 would not help to eradicate illegal gambling activities in some areas of Texas. Some local governments and law enforcement allow illegal game rooms to stay open because they generate revenue. The bill would not help to end this misuse of power because it would allow counties to decide what regulations to put into place.

SUBJECT: Including all state military forces in the state group benefits program

COMMITTEE: Defense and Veterans' Affairs — committee substitute recommended

VOTE: 6 ayes — S. King, Frank, Blanco, Farias, Schaefer, Shaheen

0 nays

1 present, not voting — Aycock

WITNESSES: For — None

Against — None

On — Duane Waddill, Texas Military Department; John Nichols, Texas Military Forces

BACKGROUND: Under the federal Affordable Care Act, all employees are required to have access to affordable health insurance coverage within 90 days of beginning employment.

When state military forces are deployed on a federal mission, or deployed on a state mission by the federal government, those members receive federal health insurance benefits within 90 days of beginning duty. Currently, Government Code, sec. 437.212, which governs pay and benefits for state active military duty, does not cover members of the state military forces who are paid by the state while on active duty on a state mission.

DIGEST: CSHB 2123 would include members of the state military forces who were not full-time or part-time state employees to be eligible to participate in the state group benefits program under the Texas Employees Group Benefits Act. The bill would reduce from more than 90 to more than 60 the number of days the employee would have to be on active duty, state training, or other duty to be eligible.

These members would be considered full-time employees for the purpose

of the state benefits program and would receive a full state contribution for insurance coverage. CSHB 2123 would authorize the Texas Military Department to require payment of the cost associated with paying the state contribution of a service member who elected to participate in the state group benefits program from the person who was responsible for paying the mission for which the service member was on duty.

The bill also would require the department to reimburse the board of trustees of the Employees Retirement System (ERS) of Texas for the cost of paying the state contribution of a member, for which purpose the adjutant general and ERS would adopt a memorandum of understanding.

This bill would take effect January 1, 2016.

SUBJECT: Establishing and administering a state bullion depository

COMMITTEE: Investments and Financial Services — favorable, without amendment

VOTE: 7 ayes — Parker, Longoria, Capriglione, Flynn, Landgraf, Pickett, Stephenson

0 nays

WITNESSES: For — Jimmy McClintock, Dillon Gage Metals Division; (*Registered, but did not testify*: Glenna Hodge, Conservative Republicans of Texas; Justin Arman, Texans for Accountable Government; Jake Posey, Universal Coin and Bullion, Ltd.; and five individuals)

Against — None

BACKGROUND: Precious metals owned by Texas currently are stored in other states. Some believe that having a depository in Texas could address safety and uncertainty concerns associated with storing state assets far away. It also could provide an opportunity for Texas residents, investment organizations for state agencies, and others to store their assets in the state. A depository might generate revenue in the form of fees paid to the state for using the depository.

DIGEST: HB 483 would establish a Texas Bullion Depository within the Office of the Comptroller of Public Accounts. The depository would serve as the custodian, guardian, and administrator of certain bullion that might be transferred to or acquired by the state, an agency, or a political subdivision.

The bill would define "bullion" as precious metals formed into uniform shapes and quantities, such as ingots or bars, with uniform content and purity, suitable for or used in the purchase, sale, storage, transfer, and delivery of bulk or wholesale transactions in precious metals. "Specie" would be defined as a precious metal stamped into coins of uniform shape, size, design, content, and purity that were suitable for or used as currency, as a medium of exchange, or as the medium for purchase, sale,

storage, transfer, or delivery of precious metals in retail or wholesale transactions.

Certain entities could place assets in the depository, including a fiduciary, political subdivisions and instrumentalities of the state, business or nonprofit corporations, charitable or educational corporations or associations, and financial institutions. The bill would make deposits to the depository and associated assets unavailable for legislative appropriation. In addition, bullion, specie, and related assets would be subject to redemption, liquidation, or transfer to meet certain obligations to account holders and intermediaries of the depository. Any revenue generated by the fees, charges or other payments received as a result of transactions would be deposited to the general revenue fund.

Structure of the depository. The depository would be under the direction and supervision of an administrator appointed by the comptroller with the advice and consent of the governor, lieutenant governor, and the Senate. The administrator would supervise and direct the operations of the depository and its agents and would coordinate with other parts of the comptroller's office to ensure that all transactions were planned, administered, and executed in keeping with the purposes of the bill. The administrator also could appoint a deputy or other subordinate officers with the approval of the comptroller.

Depository accounts. HB 483 would establish certain standards for deposits and depository accounts. For instance, the depository would have to record the amount of precious metal deposited, as well as the type and quantity of each precious metal deposited. The comptroller by rule would adopt standards governing how the deposits would be classified and credited to the depository's account. The comptroller by rule could limit the forms in which deposits could be made, if determined to be in the public interest. The depository would be required to make adjustments to each account to reflect additions to or withdrawals or deliveries from the account.

The bill would provide processes related to withdrawal of assets from the depository, transfer of depository account balances, and recording of changes to an account. The bill also would require that depositors contract

with the depository for a depository account. These contracts would be subject to specific requirements.

The comptroller by rule would have to establish references and processes related to the official exchange rates and would have to establish procedures and requirements that would minimize the burden of accounting and reporting of taxable gains and losses.

Depository agents. HB 483 would provide requirements for the use of private, independently managed firms and institutions licensed as depository agents to act as intermediaries in conducting retail transactions on behalf of the depository. The bill would establish criteria for selection of these agents, as well as requirements for agents to have certain suitable electronic sharing and communication systems and to make periodic reports on their transactions.

HB 483 would amend several sections of Finance Code, ch. 151 on the regulation of money services businesses. The bill would specify applicable licensing requirements and would define what did and did not constitute depository agent services. It also would specify how current law applicable to money services businesses would be applied to a depository agent and depository agent services.

Other provisions. The bill contains additional provisions that would provide requirements and guidance on:

- the establishment of the owner of record of a depository account;
- the transfer of a depository account to another person;
- the non-interest bearing nature of depository accounts;
- the ability of the depository to place a lien on account holders in certain situations;
- persons or entities that could invest in a depository account and related financial implications;
- joint depository accounts, accounts held by a fiduciary, accounts held in trust or that had an undisclosed trust instrument; and
- the ability of an attorney-in-fact to manage or withdraw assets in a depository account and the conditions for revocation of this

authority.

The bill would require the depository to enter into certain types of transactions and relationships as the comptroller deemed prudent and suitable. It also would prohibit certain actions, including those intended to have or having the effect of hedging or leveraging the depository's holdings. The bill would make void certain acts related to confiscation, requisition, and seizure of assets associated with a depository account.

Fees, service charges, and penalties. The comptroller by rule could establish fees, service charges, and penalties to be charged to a depository account holder for related services or activities.

Annual report. The comptroller would have to produce a report annually on information such as the status, condition, operation, and prospects for the depository. This report would be submitted to the governor and Legislature by September 30 of each year.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUBJECT: Revising Controlled Substance Act Penalty Groups 1-A, 2

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 7 ayes — Herrero, Moody, Canales, Hunter, Leach, Shaheen, Simpson

0 nays

WITNESSES: For — Justin Wood, Harris County District Attorney's Office; Azell Carter, Pasadena Police Department Regional Crime Laboratory; Eric Brown; (*Registered, but did not testify*: Will Ramsay, 8th Judicial District Attorney's Office; William Squires, Bexar County District Attorney; Eddie Solis, City of Abilene, City of Arlington; Jennifer Tharp, Comal County Criminal District Attorney; Frederick Frazier, Dallas Police Association; Mark Clark, Houston Police Officers Union; Jessica Anderson, Houston Police Department; Tiana Sanford, Montgomery County District Attorney's Office; Larry Smith, William Travis, Maxey Cerliano, Micah Harmon, A.J. Louderback, Sheriffs' Association of Texas; Michael Pacheco, Texas Farm Bureau; Monty Wynn, Texas Municipal League; Donald Baker, Texas Police Chiefs Association; Lon Craft, Texas Municipal Police Association; James Grunden and Bobby Sanders, Upshur County Sheriff's Office; Robert E. Johnson, Jr., Webb County; Anna Bowers; James Capra; Paul Quinzi; R. Glenn Smith)

Against — None

On — Drew Fout, Department of Public Safety Crime Lab; Aaron Crowell, Texas Municipal Police Association; (*Registered, but did not testify*: Skylor Hearn, Texas Department of Public Safety)

BACKGROUND: Health and Safety Code, ch. 481 is the Texas Controlled Substances Act. It categorizes illegal substances into penalty groups and provides penalties for crimes related to certain controlled substance analogues that have chemical structures substantially similar to those of controlled substances and those specifically designed to produce an effect similar to or greater than the effect of certain controlled substances. Drugs are placed into penalty groups based on their dangerousness, with penalty group 1 having

the most serious drugs. Under sec. 481.1021, penalty group 1-A consists of lysergic acid diethylamide (LSD), including its salts, isomers, and salts of isomers.

DIGEST:

CSHB 595 would expand penalty group 1-A to include compounds derived from certain chemical structures. It would include compounds with certain types of modifications to their chemical structures.

The bill also would add several chemical structures to penalty group 2, which consists of hallucinogenic substances, isomers, and salts. It also would include compounds derived from certain structures through certain types of modifications.

CSHB 595 would include solid forms of controlled substances in the definition that describes different types of units of illegal drugs.

If substances listed in penalty group 2 under Health and Safety Code secs. 481.103 (5), (6), and (7) — all of which would be added by the bill — and substances in sec. 481.103 (a) — which would be amended by the bill — conflicted with other laws, the other law would prevail. If a substance in the section also was listed in another penalty group, the listing in the other penalty groups would apply. If a substance listed in penalty group 2 gained certain federal approval, the inclusion of the substance in the penalty group would not apply and, notwithstanding any other law, a person could not be convicted of the manufacture, delivery, or possession of the substance.

The bill would take effect September 1, 2015, and would apply only to an offense committed on or after that date.

SUPPORTERS SAY:

CSHB 595 would combat a growing problem with dangerous synthetic drugs. Texas has experienced an increase in the availability of a potentially deadly group of synthetic drugs with effects similar to LSD, some of which are known as New LSD, N-Bomb, and 25I. Side effects from these potent psychedelic drugs can include violent shaking, vomiting, insomnia, paranoia, and seizures, and an increasing number of deaths have been attributed to these drugs.

Currently, there is nothing in the law allowing law enforcement officials to combat these synthetic drugs. CSHB 595 would address these issues by adding the most common of these drugs to appropriate penalty groups based on how the drugs are ingested and the group to which each drug's non-synthetic counterpart belongs. The bill would focus the law on core chemical structures, rather than chemical compounds, to allow law enforcement to combat new, slightly altered versions of drugs that can rapidly appear if one drug is made illegal. The broad language in the bill would enable law enforcement authorities to go after new dangerous drugs without having to wait until the Legislature met. These changes also would help with the classification of the drugs by lab technicians, which would aid in combatting the drugs.

These changes would help law enforcement authorities keep pace with the rapidly evolving designer drug market and give them the necessary tools to fight these dangerous drugs. The bill also would be in step with changes at the federal level, where some of the drugs recently were outlawed.

CSHB 595 is directed toward revising penalty groups relating to synthetic drugs and would not be the vehicle to alter drug penalties.

OPPONENTS SAY:

Adjusting the penalty groups to reflect synthetic drugs would be a good opportunity to examine the structure of the state's drug penalties, especially focusing on low-level amounts.

SUBJECT: Revising drug Penalty Group 2-A for synthetic cannabinoids

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 7 ayes — Herrero, Moody, Canales, Hunter, Leach, Shaheen, Simpson

0 nays

WITNESSES: For — Justin Wood, Harris County District Attorney's Office; Azell Carter, Pasadena Police Department Regional Crime Laboratory; (*Registered, but did not testify*: Will Ramsay, 8th Judicial District Attorney's Office; William Squires, Bexar County District Attorney; Eddie Solis, City of Abilene, City of Arlington; Jennifer Tharp, Comal County Criminal District Attorney; Frederick Frazier, Dallas Police Association; Mark Clark, Houston Police Officers Union; Jessica Anderson, Houston Police Department; Tiana Sanford, Montgomery County District Attorney's Office; Larry Smith, William Travis, Maxey Cerliano, Micah Harmon, A.J. Louderback, Sheriffs' Association of Texas; Michael Pacheco, Texas Farm Bureau; Monty Wynn, Texas Municipal League; Donald Baker, Texas Police Chiefs Association; Lon Craft, Texas Municipal Police Association; James Grunden and Bobby Sanders, Upshur County Sheriff's Office; Robert E. Johnson, Jr., Webb County; Anna Bowers; Eric Brown; James Capra; R Glenn Smith)

Against — (*Registered, but did not testify*: Dirk Davidek; John Van Lowe)

On — Drew Fout, Department of Public Safety Crime Lab; Aaron Crowell, Texas Municipal Police Association; (*Registered, but did not testify*: Skylor Hearn, Texas Department of Public Safety)

BACKGROUND: Health and Safety Code, ch. 481 is the Texas Controlled Substances Act. It categorizes illegal substances into schedules and penalty groups and provides penalties for the manufacture, delivery, and possession of controlled substances. Penalty group 2-A consists of compounds that are synthetic cannabinoids.

“Controlled substances” are defined in sec. 481.002(5) as substances,

including drugs, adulterants, and dilutants listed in schedules I through V or penalty groups 1, 1-A or 2 through 4. "Controlled substance analogues" are defined in sec. 481.002(6) as substances with chemical structures similar to the chemical structures of controlled substances in schedule I or II or in penalty groups 1, 1-A, or 2. The definition of "controlled substance analogue" also includes substances specifically designed to produce an effect similar to or greater than the effect of certain controlled substances.

DIGEST:

CSHB 597 would include penalty group 2-A, which governs synthetic cannabinoid substances, within the definitions of "controlled substance" and "controlled substance analogue." The bill would add penalty group 2-A to a list of penalty groups that can be prosecuted for substance analogs.

CSHB 597 would remove language in penalty group 2-A that describes the group as consisting of compounds that are cannabinoid receptor agonists that mimic the pharmacological effect of naturally occurring cannabinoids. The bill also would remove references to specific compounds listed in penalty group 2-A. It would add descriptions of compounds by listing core components and link components.

The bill would take effect September 1, 2015, and would apply only to offenses committed on or after that date.

SUPPORTERS SAY:

CSHB 597 would better enable law enforcement officers to combat dangerous synthetic cannabinoids. In 2011, the Legislature created penalty group 2-A for synthetic marijuana to address a growing problem with drugs such as K2 and Spice. These powerful drugs are unsafe synthetic compounds with serious side effects.

To address the issues of these drugs, the legislation in 2011 placed specific compounds that described common synthetic cannabinoids into a new penalty group. However, these descriptions may not encompass other synthetic cannabinoids with the same molecular structure as marijuana that are tweaked to fall just outside of the definition of the illegal substances.

CSHB 597 would address this problem by placing in the penalty group

descriptions of compounds and lists of core components and link components related to synthetic marijuana and eliminating the names of specific compounds. This would allow law enforcement authorities to continue to go after these dangerous drugs even if they were just slightly changed from a core structure.

Current law also requires proof that a synthetic substance in the penalty group mimics the pharmacological effects of naturally occurring cannabinoids, something that can be difficult to determine in lab tests. CSHB 597 would remove this unnecessary requirement so that law enforcement authorities could go after these illegal substances.

CSHB 597 is focused on revising what is considered a synthetic cannabinoid and would not be the vehicle to alter drug penalties.

OPPONENTS SAY:

Adjusting penalty group 2-A to reflect versions of synthetic marijuana would be a good opportunity to examine the structure of the penalties for marijuana, especially the penalties for possession of low-level amounts.

SUBJECT: Requiring certain PACs to file expenditure reports with ethics commission

COMMITTEE: Elections — favorable, without amendment

VOTE: 5 ayes — Laubenberg, Goldman, Israel, Reynolds, Schofield

0 nays

2 absent — Fallon, Phelan

WITNESSES: For — Bill Fairbrother, Texas Republican County Chairmen's Association; (*Registered, but did not testify*: Jesse Romero, Common Cause Texas; LaQuan Rogers, Get Fit Wit Me; Alan Vera, Harris County Republican Party Ballot Security Committee)

Against — (*Registered, but did not testify*: Michael Quinn Sullivan, Empower Texans; MerryLynn Gerstenschlager, Texas Eagle Forum - Vice President; Jeremy Newman, Texas Home School Coalition; Tony McDonald; Trey Trainor)

On — Colleen Vera

BACKGROUND: Under Election Code, sec. 252.007, a specific-purpose committee for supporting or opposing a measure at an election ordered by a political subdivision other than a county must file its campaign treasurer appointment with the secretary of the governing body of the political subdivision or, if the political subdivision has no secretary, with the governing body's presiding officer.

Election Code, sec. 254.130 requires all specific-purpose committees to file reports of political contributions and expenditures with the authority with whom the political committee's campaign treasurer appointment is required to be filed.

DIGEST: HB 1114 would require that a specific-purpose political committee created to support or oppose a measure on the issuance of bonds by a school district file reports of political contributions and expenditures with the

Texas Ethics Commission.

This bill would take effect on September 1, 2015 and would apply only to reports due on or after that date.

SUPPORTERS SAY:

HB 1114 would help school districts focus on teaching and preparing students instead of dealing with cumbersome open records requests. The bill would shift the responsibility for publishing reports and responding to open records requests to the Ethics Commission, which is specifically geared toward dealing with these requests. The bill would not impose a reporting requirement; it would simply change the authority that would receive the reports. Under the bill, candidates for school boards still would file their reports of political contributions or expenditures to the school districts.

Collecting these reports would not burden the Ethics Commission. Their system is fully automated, and reporting is done through software that is available on their website. Once reports are submitted, they are published on the Internet within 24 hours. This provides faster access to these records than making school districts handle the reports.

OPPONENTS SAY:

This bill would put an unnecessary burden on both specific-purpose political committees and on the Texas Ethics Commission. Specific-purpose political committees that focus on school district bond issues are often small groups of citizens that should not be forced to comply with the overly strict reporting requirements of the Ethics Commission, which are often more strictly enforced than the requirements of school districts. The Texas Ethics Commission is already understaffed and overburdened without the massive influx of reports that could come from specific-purpose political committees.

There is no demonstrable need to move reporting requirements from the school districts to the Ethics Commission. Because these are local issues, interested parties would often find it easier to get reports directly from the school board, rather than waiting to get them from the ethics commission.

SUBJECT: Requiring funding soundness restoration plans for retirement systems

COMMITTEE: Pensions — committee substitute recommended

VOTE: 6 ayes — Flynn, Hernandez, Klick, Paul, J. Rodriguez, Stephenson

1 nay — Alonzo

WITNESSES: For — (*Registered, but did not testify*: Deborah Ingersoll, Texas State Troopers Association)

Against — Susan Alanis, City of Fort Worth; (*Registered, but did not testify*: Tom Tagliabue, City of Corpus Christi; Bill Elkin, Houston Police Retired Officers Association; Vicki Truitt, Texas Municipal Police Association)

On — Tyler Grossman, El Paso Firemen and Policemen's Pension Fund; Rhonda Smith, Houston Municipal Employee Pension System; John Lawson, Houston Police Officers' Pension System; Keith Brainard, Texas Pension Review Board; James Smith, San Antonio Fire and Police Pension Fund; Maxie Patterson, TEXPERS; (*Registered, but did not testify*: Todd Clark, Houston Firefighters Relief and Retirement Fund; Bob May, Texas Pension Review Board)

BACKGROUND: Government Code, sec. 802.101(a) requires public retirement systems to make an actuarial valuation at least once every three years of the system's assets and liabilities and offers the actuary's best estimate of anticipated experience under the program. Government Code, sec. 801.209(a) requires the Texas Pension Review Board (PRB) to post on its website certain reports from state and local public retirement systems.

The PRB guidelines for actuarial soundness state that funding should be adequate to amortize the unfunded accrued liability over a period not to exceed 40 years, with 15 to 25 years being a more preferable target.

DIGEST: CSHB 3310 would require public retirement systems to include in their actuarial valuations a recommended contribution rate needed for the

system to achieve and maintain an amortization period that does not exceed 30 years.

Public retirement systems that have assets of at least $100 million would be required to conduct an actuarial experience study once every five years and submit that study to the PRB. The first such study would be conducted not later than September 1, 2016. The study requirement would not apply to the Employees Retirement System of Texas, the Teacher Retirement System of Texas, the Texas County and District Retirement System, the Texas Municipal Retirement System, or the Judicial Retirement System of Texas Plan II.

Retirement systems would be required to notify the associated government entity in writing if the system received an actuarial valuation indicating that system contributions were insufficient to amortize the unfunded actuarial accrued liability within 40 years. Systems that had received a series of consecutive valuations showing an amortization period exceeding 40 years would be required to formulate a funding soundness restoration plan. Such a plan would be developed by the retirement system and the associated government entity and be designed to achieve a contribution rate that would be sufficient to amortize the unfunded liability within 40 years by the plan's 10th anniversary.

Systems would be required to formulate a plan not later than November 1, 2016. A copy of the restoration plan would be sent to the PRB and posted on the PRB website. The system and associated entity would report any updates of progress toward improved actuarial soundness to the PRB every two years.

A revised plan would be required for systems that had not adhered to a previously formulated funding restoration plan and exceeded the 40-year amortization period.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUPPORTERS

HB 3310 would help retirement systems focus on securing adequate

SAY:

funding to meet their long-term obligations. Systems that are not actuarially sound would be required to work with the sponsoring government entity to develop a 10-year plan to improve funding.

The 83rd Legislature in 2013 enacted HB 13 by Callegari, which required the PRB to study the financial health of public retirement systems in Texas. The study found that public retirement systems that had consistently received adequate funding were in a better position to meet their long-term obligations than systems that had not. The PRB recommended that the Legislature require retirement systems and their sponsors to adopt adequate funding policies to help achieve actuarial soundness.

The bill would simply require systems to report their plans to the state and whether they are making progress toward the goal of actuarial soundness, but would not make the state the final arbiter of the plans.

The bill would increase transparency about troubled pension systems, which would be required to determine the level of contributions needed to pay off liabilities within 30 years. This information could be used in developing a plan to meet the PRB guidelines for actuarial soundness, which require liabilities to be paid off within 40 years.

By working together to address current or potential future funding problems, a system and its sponsor would send the right message to bond rating agencies that look favorably on systems that make progress toward reducing their unfunded liabilities.

OPPONENTS SAY:

CSHB 3310 would duplicate ongoing efforts at the local level between government entities and employees to improve pension funding. Pension contributions are a shared responsibility between local taxpayers and government employees, and those parties should be free to make decisions without state oversight.

The bill also could interfere with decisions made by local governing boards during contract negotiations with public employee unions. It could be inappropriate to have separate negotiations with a retirement system board whose members include union representatives. A city could be in

litigation over pension decisions, and should not be required to develop a funding soundness restoration plan while navigating complex legal issues in court.

SUBJECT: Telemedicine pilot programs for Medicaid, ERS, and TRS patients

COMMITTEE: Public Health — committee substitute recommended

VOTE: 11 ayes — Crownover, Naishtat, Blanco, Coleman, Collier, S. Davis, Guerra, R. Miller, Sheffield, Zedler, Zerwas

0 nays

WITNESSES: For — Bobby Dale; Kevin Dyer; (*Registered, but did not testify*: Dan Posey, Baylor Scott and White Health; Gabriela Saenz, CHRISTUS Health; Greg Hansch, National Alliance on Mental Illness Texas; Marina Hench, Texas Association for Home Care and Hospice; Amanda Martin, Texas Association of Business; Jaime Capelo, Texas Chapter American College of Cardiology; Nora Belcher, Texas e-Health Alliance; Dan Finch, Texas Medical Association; Clayton Travis, Texas Pediatric Society; John Davidson, Texas Public Policy Foundation)

Against — None

On — (*Registered, but did not testify*: Laurie VanHoose, HHSC)

BACKGROUND: Under Government Code, sec. 531.02176, the authorization for the Health and Human Services Commission to reimburse providers under the Medicaid program for the provision of home telemonitoring services will expire on September 1, 2015. Some have called for the extension of Medicaid reimbursement for these services and the coverage of these services under the Employees Retirement System and Teacher Retirement System (TRS) health insurance programs. Telemonitoring and telemedicine can be important to individuals in rural areas and to those who have chronic medical conditions who risk compromising their immune systems by traveling outside their homes for healthcare.

DIGEST: CSHB 3476 would require the development and implementation of three separate pilot projects by June 1, 2016, to provide telemedicine and telehealth services for a Medicaid recipient, TRS-Care recipient, or an ERS annuitant at the individual's residence.

Medicaid pilot project. The bill would require the executive commissioner of the Health and Human Services Commission (HHSC) to develop and implement a pilot project under Medicaid that would provide for the reimbursement of telemedicine medical services and telehealth services provided to recipients at their residence. The bill would specify that a request to HHSC for reimbursement for a telemedicine medical service that was medically necessary could not be denied solely because of the service delivery method. The executive commissioner would submit a report to the Legislature on the results of the pilot project by December 1, 2018.

The HHSC executive commissioner would adopt the rules necessary to implement the pilot project and related reimbursement conditions by May 1, 2016.

The bill would repeal the current expiration date of September 1, 2015, for reimbursement for provision of home telemonitoring services under Medicaid.

ERS group benefits pilot project. CSHB 3476 would require the board of trustees of the Employees Retirement System of Texas (ERS) to establish a pilot project under which an ERS group health benefit plan would provide benefits for telemedicine medical services and telehealth services to annuitants at their residences. An annuitant would mean an individual eligible to participate in the ERS group benefits program. The board of trustees would enter into any agreements necessary to provide benefits for telemedicine medical services and telehealth services to annuitants participating in the pilot project by June 1, 2016.

The bill would specify that the pilot project would have to:

- provide services in a manner that allowed at least 1 percent of annuitants to participate in the pilot project;
- aim to provide quality and cost-effective care to annuitants; and
- ensure that the pilot project was able to provide services to annuitants.

The board of trustees would submit a report to the Legislature on the results of the ERS pilot project by December 1, 2018. The bill would specify the contents of the report.

ERS would adopt rules necessary to implement the pilot project by May 1, 2016.

TRS pilot project. The bill would require the Teacher Retirement System (TRS) of Texas to establish a pilot project under which a health benefit plan provided under Insurance Code, ch. 1575, the Texas public school employees group benefits program, would provide benefits for telemedicine medical services and telehealth services provided to retirees at their residence. The bill would require TRS to enter into any agreements necessary to provide benefits for telemedicine medical services and telehealth services to retirees who would participate in the pilot project. The pilot project would have to:

- provide services in a manner that allowed at least 1 percent of retirees to participate in the pilot project;
- aim to provide quality and cost-effective care to retirees; and
- ensure that the pilot project was able to provide services to retirees.

The bill would require TRS to submit a report to the Legislature by December 1, 2018, on the results of the pilot project.

TRS would adopt the rules necessary to implement the pilot project by May 1, 2016. The provisions of the bill creating the pilot projects would expire on September 1, 2019.

Telemonitoring. If HHSC determined that a statewide program that permitted reimbursement under the state Medicaid program for home telemonitoring services would be feasible, the program would have to provide that home telemonitoring services were available to:

- an individual 60 years old or older;
- an individual with special health care needs, including a chronic physical or developmental condition or a terminal illness; or

- an individual who was diagnosed with conditions as specified in existing statute under Government Code, sec. 531.02164.

The HHSC executive commissioner would adopt the rules necessary to implement the telemonitoring provisions by March 1, 2016.

Application to insurance claims. The bill's provisions regarding telemonitoring would apply only to an insurance claim filed or entered into or a legal cause arising on or after September 1, 2015.

Federal waiver. If before implementing any provision of the bill a state agency determined that a waiver or authorization from a federal agency was necessary to implement that provision, the bill would direct the agency affected by the provision to request the waiver or authorization and the agency could delay implementing that provision until the waiver or authorization was granted.

The bill would take effect September 1, 2015.

SUBJECT: Allowing locally funded school meal programs

COMMITTEE: Public Education — committee substitute recommended

VOTE: 9 ayes — Aycock, Bohac, Deshotel, Farney, Galindo, González, Huberty, K. King, VanDeaver

0 nays

2 absent — Allen, Dutton

WITNESSES: For — Susan LeBlanc, Barbers Hill Independent School District; Paul McLarty, Clear Creek Independent School District; (*Registered, but did not testify*: Carlos Zaldivar; Fred Walker, Clear Creek Independent School District; Elizabeth Weinrich, Texas Catholic Conference; Ellen Arnold, Texas Parent Teacher Association)

Against — Rachel Cooper, Center for Public Policy Priorities; (*Registered, but did not testify*: Celia Cole, Feeding Texas; Amanda List, ResponsiveEd; Lauren Dimitry, Texans Care for Children)

On — Lisa Dawn-Fisher, Texas Education Agency; (*Registered, but did not testify*: Catherine Steele, Texas Department of Agriculture)

BACKGROUND: Education Code, sec. 33.901 states that if at least 10 percent of the students enrolled in one or more schools in a school district are eligible for free or reduced-price breakfasts under the national school breakfast program, the school district must participate in the program and make the benefits of the program available to all eligible students in the school or schools.

Under Education Code, sec. 42.152 a district is entitled to an annual compensatory education allotment for each student who is educationally disadvantaged. The number of educationally disadvantaged students is determined either by averaging the best six months' enrollment in the national school lunch program of free or reduced-price lunches for the preceding school year, or in the manner provided by commissioner rule, if

no campus participated in the national school lunch program during the preceding year.

DIGEST:

CSHB 1305 would amend Education Code, sec. 33.901 to allow a school district that otherwise would be required to participate in the national school breakfast program to instead develop and implement a locally funded program to provide a free or reduced-price breakfast to all students in the school or schools that would be eligible under the national program.

A school district would be allowed to participate in the national program in some campuses in the district and provide a locally funded program at other campuses in the district.

For purposes of calculating the compensatory education allotment, the bill would change the calculation of educationally disadvantaged students from the best six months' *enrollment* in the national school lunch program, to the best six months' numbers of students *eligible for enrollment* in the national school lunch program.

The bill would allow the commissioner of education to determine the number of educationally disadvantaged students eligible for the compensatory education allotment, regardless of whether the campus participated in the national school lunch program.

The bill would prohibit a student receiving a full-time virtual education through the state virtual school network from being included in the calculation of educationally disadvantaged students for purposes of the school's compensatory education allotment.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015, and would apply beginning in the 2015-16 school year.

SUPPORTERS SAY:

CSHB 1305 would allow schools to participate in a locally administered program to provide free or reduced-price breakfast outside the federal structure and would provide state compensatory education funds to all economically disadvantaged students, regardless of their campus's

participation in a federal meal reimbursement program.

The bill would allow schools to participate in a locally administered program to provide free or reduced-price breakfast outside the federal structure without losing reimbursement for those campuses that remain with the school breakfast program or national school lunch program. Current law requires school districts to participate in the federal school breakfast program and accept federal reimbursements even if a district has an internally developed, self-sustaining breakfast program. Locally administered meal programs provide school districts an opportunity to serve higher-quality and more appealing food than that offered by the federal program. Local programs are not limited to the federal vendors and can offer more menu options, including locally grown, organic produce. A more appealing meal program for the whole campus would get more students eating at school, bringing in more revenue to cover the cost of the free and reduced-price meals.

Under current law, if educationally disadvantaged students are fed in a locally funded free and reduced-priced meal program, the district may not claim state compensatory education funds for those students. Under the bill, for purposes of compensatory allotment payments, the number of students *eligible* for the national school lunch program would be counted rather than the number of students actually *enrolled*. Counting the number of students eligible for the federal program would provide state compensatory education funds to all economically disadvantaged students, regardless of their campus' participation in a federal meal reimbursement program, and would be more reflective of the actual need.

OPPONENTS SAY:

Allowing school districts to opt out of the federal school breakfast and lunch programs in favor of a locally funded program could eliminate nutrition standards in school meals and reduce equal access to nutritious meals for all Texas students, regardless of income.

OTHER OPPONENTS SAY:

Otherwise eligible students receiving a full-time virtual education should be included in the number of educationally disadvantaged students to accurately reflect the need for services. While the virtual students are not fed by the programs, they still benefit from the services provided by the compensatory education allotment and should be counted.

NOTES:

According to the Legislative Budget Board's fiscal note, the bill would have a negative impact of $30.5 million in general revenue related funds through fiscal 2016-2017 due to the cost of additional students who would qualify for compensatory education funding.

The author plans to offer a floor amendment that would limit the reduced price under a locally funded program to the maximum allowable rate under the national program.

SUBJECT: Creating a task force to study methods to prevent the theft of desert plants

COMMITTEE: Agriculture and Livestock — committee substitute recommended

VOTE: 6 ayes — T. King, C. Anderson, Cyrier, González, Rinaldi, Springer

1 nay — Simpson

WITNESSES: For — (*Registered, but did not testify*: Jim Reaves, Texas Nursery & Landscape Association)

Against — None

On — (*Registered, but did not testify*: Patrick Dudley, Texas Department of Agriculture)

DIGEST: CSHB 798 would require the agriculture commissioner to appoint a task force by December 1, 2015 to study methods to prevent the theft of certain desert plants from private property and their subsequent sale and transportation.

The task force could study the feasibility and effectiveness of:

- implementing registration requirements for persons who sold or transported desert plants;
- requiring persons who sold or transported desert plants to enter into a compliance agreement with a state agency;
- requiring persons who sold or transported desert plants to document the origin of the plants;
- authorizing a state agency to issue stop-sale orders regarding desert plants or to seize those that did not comply with legal requirements;
- imposing civil, criminal, or administrative penalties for persons who stole desert plants and for persons who failed to comply with legal requirements governing their sale or transportation; and
- taking any other action to regulate the sale or transportation of desert plants and prevent the theft of desert plants, as determined by the task force.

By December 1, 2016, the task force would have to submit to the House committees on agriculture and livestock and appropriations a report including recommendations for legislation to regulate the sale or transportation of desert plants and to prevent the theft of desert plants from private property.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUPPORTERS SAY:

CSHB 798 would take a step toward protecting the sensitive ecosystem of the Chihuahuan Desert, one of the largest in North America, from plant theft, also known as "cactus rustling." Due to the current trend in water conservation landscaping methods, such as xeriscaping, the Chihuahuan Desert has been experiencing a high volume of desert plant theft, which presents a serious threat to this delicate ecosystem. Cactus rustlers take desert plants from public and private land without permission to be sold throughout Texas and in other states, particularly in the Southwest. Removal of too many plants deprives desert animals of food and shelter and disrupts the ecological balance of the area. Without appropriate regulation, the harvesting of desert plants will cause irreparable harm to the state's desert areas.

OPPONENTS SAY:

CSHB 798 could lead to an overregulation of the sale and transportation of desert plants that already are protected from theft under the state's general theft statute.

SUBJECT: Increasing the fine for overweight trucks in municipal jurisdictions

COMMITTEE: Transportation — favorable, without amendment

VOTE: 12 ayes — Pickett, Martinez, Burkett, Y. Davis, Fletcher, Harless, Israel, McClendon, Murr, Paddie, Phillips, Simmons

0 nays

WITNESSES: For — Wes Bement, Commercial Vehicle Safety Alliance & Grand Prairie PD

Against — None

On — Omar Villarreal, Texas Department of Public Safety; (*Registered, but did not testify*: John Barton, James Bass, Bill Hale, and Joe Weber, Texas Department of Transportation; Victor Vandergriff, Texas Transportation Commission)

BACKGROUND: Transportation Code, sec. 623.011 allows the Department of Motor Vehicles to issue permits for overweight trucks. Sec. 623.019 establishes fines for registered vehicles that have violated parameters of their permits.

Any offense under sec. 623.019 can be prosecuted in a justice of the peace court and can carry a fine of up to $10,000. A municipal court has jurisdiction over offenses that carry a maximum fine of $500. For this reason, some operators of overweight vehicles prefer to travel through municipal jurisdictions, which has introduced safety and enforcement concerns in these communities.

DIGEST: HB 1230 would give municipal courts jurisdiction over any offense under Transportation Code, sec. 623.019, regardless of the fine attached to it.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUBJECT: Creating a grant program to cut vehicle inspection wait times at the border

COMMITTEE: Agriculture and Livestock — committee substitute recommended

VOTE: 5 ayes — T. King, C. Anderson, Cyrier, González, Springer

2 nays — Rinaldi, Simpson

WITNESSES: For — Howard Pebley, City of McAllen; Luis Bazan, City of Pharr Bridge; Bret Erickson, Texas International Produce Association; (*Registered, but did not testify*: Arnold Flores, Cameron County; Pete Sepulveda, Cameron County RMA; Teclo Garcia, City of McAllen; Steve Alhenius, McAllen Chamber of Commerce; Keith Patridge, McAllen Economic Development Corp; Ricardo Perez, Mission EDC; Shayne Woodard, Paramount Citrus Farms; Elizabeth Lippincott, Texas Border Coalition; Jim Reaves, Texas Nursery and Landscape Association)

Against — None

On — Dean McCorklr, Texas A&M AgriLife Extension Service; (*Registered, but did not testify*: David Kostroun, Texas Department of Agriculture)

DIGEST: CSHB 979 would create a Trade Agricultural Inspection Grant Program. The program would allow the Department of Agriculture to make a grant to a nonprofit organization to promote the agricultural processing industry in Texas by reducing wait times for agricultural inspections of vehicles at ports of entry along the Texas-Mexico border.

The bill would require the department to request proposals for the grant award, evaluate the proposals, and award a grant based on the proposed program's measurable effectiveness and the potential for positive impact on the agricultural processing industry in Texas.

The bill would limit grants to be awarded to only an organization that had demonstrated experience working with border inspection authorities to reduce border crossing wait times. This recipient would be able to use the

grant money only to pay for activities that were directly related to promoting the agricultural processing industry in Texas by reducing wait times for agricultural inspections of vehicles at the Texas-Mexico border. This would include using grant money to reimburse a federal government agency that, at the request of the recipient, provided additional border agricultural inspectors or paid overtime to these inspectors at ports of entry along the Texas-Mexico border.

CSHB 979 also would require the department to establish procedures to administer the grant program, including procedures for the submission of a proposal and for the department to use in evaluating proposals. The department would be required to enter into, monitor, and enforce contracts with each grant recipient that included performance requirements. The contract would be required to authorize the department to recoup grant money from a recipient for failure of the recipient to comply with the contract terms.

To award grants, the department could solicit and accept gifts, grants, and donations from any source. To be eligible for a grant award, a nonprofit organization would be required to provide matching funds. The amount of the grant could not exceed the amount of the matching funds. The department also would be prohibited from requiring a nonprofit organization to provide matching funds in an amount that exceeded the amount of the grant. The department could adopt any rules necessary to implement this program.

The bill would take effect September 1, 2015.

SUPPORTERS SAY:

CSHB 979 would ease congestion of commerce at the ports of entry along the Texas-Mexico border. There are not currently enough federal inspection agents, which has increased congestion and the wait times for agricultural inspections of vehicles at these ports. Many private industries and nonprofit organizations with experience working with border inspection authorities in the area are knowledgeable on peak produce periods and could anticipate when more inspectors will be needed. CSHB 979 would allow these businesses and non-profits to partner with the state to hire new inspectors or to pay inspectors overtime as needed to efficiently reduce congestion.

The bill would protect the products being shipped across the border. In 2014, more than 170,000 truckloads of produce crossed into Texas from Mexico. Due to staffing shortages, many trucks must wait in line long hours or do not make it through inspection. These delays lower the value and shelf life of the produce by at least 10 percent. Because importing produce from Mexico brings significant revenue to Texas, it is important that the state invest resources into reducing wait times for vehicle inspections as CSHB 979 would do.

CSHB 979 would be an affordable way to deal with a costly problem. The state's investment in the grant program would be doubled because every dollar appropriated by the state would be matched by private industry and local governments that would contribute matching funds to the non-profit organization. The cost of implementation of the grant program would easily be absorbed into the department's budget, and most of the grant administration work would be borne by the grant recipients.

The bill would create jobs at the ports of entry. It also would allow more trucks and therefore more produce to be processed, which could add more area jobs to the agriculture industry.

The bill would facilitate a public-private partnership that would benefit not only the produce industry by reducing wait times but also local governments and the state with increased revenue. Private industry is greatly affected by long wait times and would participate in the program's funding by providing the matching grant funds to nonprofit organizations. Many of these public-private partnerships already are occurring at the ports of entry, and appropriating state funding under CSHB 979 would further enhance their work.

CSHB 979 would address a shortage of personnel that is affecting Texas businesses. The state of Texas always has taken initiative as a government leader, instead of waiting for the federal government to react. Because federal inspectors are under the purview of the Department of Homeland Security, a government agency must be involved in the process of hiring them and determining their hours instead of a private industry. Therefore, the participation of the state under CSHB 979 would be critical to solving this issue.

OPPONENTS SAY:

CSHB 979 would create an improper use of state funds to pay the federal government for work that already is their responsibility to cover. Inspecting products in international trade is within the purview of the federal government, and federal taxes are already expended for this purpose. Allowing organizations to use state money to reimburse the federal government for the salaries and benefits of federal employees would essentially be using tax payer money to pay the federal government twice for the same job.

CSHB 979 would cause unnecessary state involvement and funding. If the federal government cannot afford more inspectors, a solution will be provided by the free market. If companies are deeply affected by long wait times, they will fund efforts through the nonprofit organizations that are already doing this work along the border, and the state would not need to appropriate funds or effort on this.

NOTES:

The Legislative Budget Board estimates that CSHB 979 would have a negative net impact to general revenue of $725,000 through fiscal 2016-17.

SUBJECT: Extending, modifying the Texas Emissions Reduction Plan

COMMITTEE: Environmental Regulation — favorable, without amendment

VOTE: 8 ayes — Morrison, E. Rodriguez, Isaac, Kacal, P. King, Lozano, Reynolds, E. Thompson

0 nays

1 absent — K. King

WITNESSES: For — Kevin Bruce, America's Natural Gas Alliance; Cyrus Reed, Lone Star Chapter Sierra Club; Balu Balagopal, Nat G CNG Solutions; Jeff Trucksess, North American Insulation Manufacturers Association; Theodore (Tod) Wickersham, Jr., Public Citizen Inc.; Patrick Tarlton, Texas Chemical Council; (*Registered, but did not testify*: John Fainter, AECT; Adrian Shelley, Air Alliance Houston; Matthew Thompson, Apache Corporation; Lindsay Mullins, BNSF Railway; Dan Hinkle, BP; June Deadrick, CenterPoint Energy; Tom Tagliabue, City of Corpus Christi; Luke Metzger, Environment Texas; Robert Peeler, Ford Motor Company; Mike Meroney, Huntsman Corp., Sherwin Alumina, Co.; Lindsay Sander, Markwest; Mindy Ellmer, North Texas Commission; Parker McCollough, NRG Energy, Inc.; Randy Cubriel, Nucor; Russ Keene, Plug-in Texas; Tom "Smitty" Smith, Public Citizen; Karen Hadden, SEED Coalition; Kinnan Golemon, Shell Oil Company, Austin White Lime, Devon Energy; Vic Suhm, Tarrant Regional Transportation Coalition; Gloria Leal, Texas Alliance of Energy Producers; Stephanie Simpson, Texas Association of Manufacturers; Stephen Minick, Texas Association of Business; Robin Schneider, Texas Campaign for the Environment; Lindsey Miller, Texas Independent Producers and Royalty Owners Association; David Weinberg, Texas League of Conservation Voters; Patricia Gonzales, Texas Organizing Project; Thure Cannon and Celina Romero, Texas Pipeline Association; Daniel Womack, The Dow Chemical Company; Max Jones, The Greater Houston Partnership; Chloe Lieberknecht, The Nature Conservancy; Tanya Vazquez, Toyota Motor North America; Kenneth Flippin; Greg Macksood; Elizabeth Riebschlaeger)

Against — None

On — (*Registered, but did not testify*: David Brymer and Joe Walton, Texas Commission on Environmental Quality)

BACKGROUND: The Texas Emissions Reduction Plan (TERP) was created by the 77th Legislature in 2001 to provide financial incentives to upgrade or replace older vehicles and equipment. The Texas Commission on Environmental Quality oversees TERP programs.

TERP programs are funded through motor vehicle title fees and surcharges collected on the sale, lease, or rental of certain diesel equipment, the sale, lease, or use of heavy-duty diesel motor vehicles, truck-tractor and commercial motor vehicle registrations, and commercial motor vehicle inspections. In fiscal 2015, an estimated $220.5 million will be collected through these sources.

DIGEST: HB 14 would extend the Texas Emissions Reduction Plan (TERP) until August 31, 2023. The bill would expand the program by adding Bell, McLennan, and Webb to the list of counties eligible to receive funds, among other changes outlined below.

Clean Transportation Triangle program. The bill would remove the Clean Transportation Triangle program (CTT) as a stand-alone program and merge it with the Alternative Fueling Facilities Program. The bill would direct the Texas Commission on Environmental Quality to establish and administer alternative fueling facilities in the CTT that would be strategically placed to enable an alternative fuel vehicle to travel in those areas and rely solely on alternative fuel.

Texas Natural Gas Vehicle Grant Program. The bill would allow the commission to determine the eligibility period for which a qualifying vehicle may be considered for a grant under the program and allow the commission to establish criteria for prioritizing certain vehicles eligible to receive grants. It also would increase to four years the remaining useful life a vehicle or engine must have to be replaced as part of the program, and would change the starting date of the grant period.

The bill would designate that at least 75 percent of the annual use of the qualifying vehicle must occur in the CTT and would specify that baseline emission levels for nitrogen oxide apply to on-road heavy-duty or medium-duty motor vehicles being replaced or repowered. It also would specify that the grant program may cover the cost of vehicle repower as well as vehicle replacement.

Texas Clean Fleet Program. The bill would allow the commission to establish the eligibility period covering a vehicle qualifying for participation in the Texas Clean Fleet Program and would remove certain restrictions on what documentation may be required of an applicant to the program prior to a grant award. The bill also would increase the remaining useful life of a vehicle eligible for replacement to five years and change the starting point from which the five-year grant period begins.

Light Duty Vehicles Incentive Program. The bill would make several changes to the Light Duty Vehicles Incentive Program, including:

- increasing from $2,500 to $5,000 the eligible rebate amount for light-duty vehicles powered by compressed natural gas, liquefied natural gas or liquefied petroleum gas;
- lowering from 2,000 to 1,000 the total number of rebates that can be funded from this program each biennium;
- prorating the leasing period of light-duty vehicles leased as part of an incentive program over three years rather than four;
- authorizing incentives for the lease or purchase of hydrogen fuel cell-powered vehicles; and
- allowing the commission to revise vehicle weight standards to ensure all configurations of a vehicle model are eligible for an incentive.

The bill would give the commissioner more flexibility in determining what information is to be provided by a dealer or leasing agent to verify eligibility of a vehicle for participation in the incentive program.

Oil field flaring and releases. The bill would make certain changes to the New Technology Implementation For Facilities and Stationary Sources

grant program by adding new financial incentives to reduce emissions from oil and gas production, storage, and transmission activities, including the installation of systems to reduce or eliminate flaring of gas or burning of gas using other combustion control devices.

The bill would take effect August 31, 2015. Only grants awarded on or after this date would be affected.

SUPPORTERS SAY:

HB 14 would make several improvements to a program that has already proved effective at helping reduce and control the emission of polluting gases. In particular, the bill would continue to support the reduction of mobile sources of nitrogen oxide emissions. The bill would expand the geographic reach of TERP by adding three new counties to the list of those eligible to qualify for TERP grants and would extend the expiration date for TERP to 2023.

Adding three more counties to those eligible for TERP grants would allow businesses and communities in those counties to benefit economically and in terms of public health by helping individuals and fleet owners in those areas replace older, heavily-polluting vehicles with newer, cleaner-running ones.

The bill would improve the efficiency of TERP in a number of ways. For example, it would combine two similar programs — the Clean Transportation Triangle and the Alternative Fueling Facilities programs — which would make administration easier for the Texas Commission on Environmental Quality and less confusing for applicants.

The bill also would introduce promising new elements into the TERP. Among these are programs that would reduce emissions from oil and gas production, storage, and transmission activities, including by funding projects that would replace, repower, or retrofit stationary compressor engines, or would install systems to reduce or eliminate flaring or the burning of gas using other combustion control devices.

While it could always be argued that a bill could do more and fund more, this bill would make many improvements to an already very successful program and would expand the program’s geographic reach. Moreover, it

is a market-based tool that helps the state preserve clean air and promote public health while improving the state's economic strength.

OPPONENTS SAY:

While HB 14 contains many elements that are important and worthy, some components should be further expanded or modified to get the most out of the TERP program. For example, simple changes in the bill's language would allow additional clean natural gas engines to be included in the program, which are currently excluded because of the manner that eligibility is established.

The bill would not include elements that could benefit non-commercial vehicle users, even though these types of users help pay the fees that fund the program. In addition, the bill would not provide enough flexibility for local governments to use TERP funds in ways that could benefit them most if the specific programs did not apply to them, even though the funds are being collected from their residents.

SUBJECT: Allowing public-private agreements for digital message display systems

COMMITTEE: Government Transparency and Operation — committee substitute recommended

VOTE: 6 ayes — Elkins, Galindo, Gonzales, Gutierrez, Leach, Scott Turner

0 nays

1 absent — Walle

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Jeremiah Kuntz, Texas Department of Motor Vehicles; Ron Coleman, Texas Department of Public Safety)

BACKGROUND: Transportation Code, sec. 521.006 permits the Department of Public Safety (DPS) to sell advertising space in any driver's handbook published or any mailing made in connection to a driver's license by the department. Proceeds from advertising are deposited into the driver's license administration advertising account.

Certain county and state departments, including DPS, operate field offices where individuals may wait in line to receive services, such as to obtain a driver's license or to transfer a vehicle title. Some say digital message display systems could offer a way for these departments to inform customers of procedures, regulations, and initiatives while they wait in line and that the inclusion of appropriate advertisements could provide departments with a way to cover costs associated with the systems.

DIGEST: CSHB 1542 would permit certain state and county departments to enter into agreements with a public or private entity for a digital message display system to promote department information or general interest news items.

DPS could use display systems in publicly accessible areas of driver's license offices. The Texas Department of Motor Vehicles could use display systems in publicly accessible areas of certain facilities. The commissioners court of a county could use display systems in jury assembly rooms, offices of the tax assessor-collector, or certain branch offices for which a deputy assessor-collector had been appointed.

To fund the digital message display system, digital advertisements could make up a portion of the information displayed on the systems. Each state and county department would retain the right to review and reject any proposed advertising.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUBJECT: Handgun laws for licensed volunteer emergency services personnel

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — Phillips, Nevárez, Burns, Dale, Johnson, Metcalf, Moody, M. White, Wray

0 nays

WITNESSES: For — Dirk Robison; (*Registered, but did not testify*: Gina Holcomb and Terry Holcomb, Texas Carry)

Against — None

On — Kent Birdsong; (*Registered, but did not testify*: Sherrie Zgabay and Oscar Ybarra, Texas Department of Public Safety; Shannon Edmonds, Texas District and County Attorneys Association)

BACKGROUND: Under Penal Code sec. 46.15(a), certain state employees already are exempted from the offenses of unlawful carrying of weapons and carrying weapons on certain prohibited premises.

DIGEST: CSHB 353 would except volunteer emergency services personnel from having a tort claim brought against them based on their discharge of a handgun if the emergency services personnel was licensed to carry a concealed handgun.

The bill would create a defense to prosecution for volunteer emergency services personnel with a concealed handgun license to the offenses of:

- trespass by a license holder who carried a concealed handgun onto another's property without effective consent;
- carrying a handgun on certain premises if they were engaged in providing emergency services; and
- carrying a handgun at any meeting of a government entity if they were engaged in providing emergency services.

CSHB 353 would exempt volunteer emergency services personnel from the offenses of unlawful carrying of weapons and carrying weapons on certain prohibited premises if they were a concealed handgun license holder and engaged in providing emergency services.

The bill would define volunteer emergency services personnel to include a volunteer firefighter, an emergency medical services volunteer, and other individuals who voluntarily provided services for the public during emergencies.

The bill would take effect September 1, 2015, and would apply only to an offense committed on or after that date.

SUBJECT: Exempting deployed servicemembers from the motor vehicle sales tax

COMMITTEE: Ways and Means — favorable, without amendment

VOTE: 10 ayes — D. Bonnen, Y. Davis, Bohac, Button, Darby, Martinez Fischer, Murphy, Springer, C. Turner, Wray

0 nays

1 absent — Parker

WITNESSES: For — (*Registered, but did not testify*: Michael Weaver, Church Group; Angela Smith, Fredericksburg Tea Party; Matt Long; Sandy Ward)

Against — None

BACKGROUND: Tax Code, ch. 152 imposes a variety of taxes on the transfer, rental, sale, and use of motor vehicles, including a 6.25 percent tax on a retail sale.

DIGEST: HB 682 would exempt from sales taxes on a personal vehicle an active duty deployed member of the United States military who was a resident of Texas. The resident would be required to submit an application to the comptroller, who could adopt rules to implement and administer these new provisions.

This bill would take effect July 1, 2015, if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015, and would apply only to the purchase of a motor vehicle on or after that date.

NOTES: The Legislative Budget Board's fiscal note estimates the bill would have a negative net impact of $3.2 million to general revenue through fiscal 2016-17 if it took effect July 1. If it took effect September 1, it would have an estimated negative net impact of $3 million through fiscal 2016-17.

SUBJECT: Dismissing protests against wastewater discharge applications or permits

COMMITTEE: Environmental Regulation — favorable, without amendment

VOTE: 8 ayes — Morrison, Isaac, Kacal, K. King, P. King, Lozano, Reynolds, E. Thompson

0 nays

1 absent — E. Rodriguez

WITNESSES: For — Barry Haydon; (*Registered, but did not testify*: John Kroll, Bob White Investments; Stephen Minick, Texas Association of Business)

Against — Peggy Glass; Chris Herrington, City of Austin; Dan Wheelus, Landowners Along Onion Creek; Kelly Davis, Save Our Springs Alliance; (*Registered, but did not testify*: Tony Privett, City of Lubbock; Katherine Romans, Hill Country Alliance; Cyrus Reed, Lone Star Chapter Sierra Club; Lon Burnam, Public Citizen; Andrew Dobbs, Texas Campaign for the Environment; David Weinberg, Texas League of Conservation Voters)

On — (*Registered, but did not testify*: David Galindo, Texas Commission on Environmental Quality)

DIGEST: HB 912 would require the Texas Commission on Environmental Quality (TCEQ) to dismiss certain protests filed by a municipality if the municipality was subject to less stringent wastewater treatment requirements than those established by the wastewater discharge permit the municipality was protesting. Those protests would include:

- a request that TCEQ hold a contested case hearing on an application for a wastewater discharge permit;
- a request that TCEQ reconsider the decision of its executive director to issue a wastewater discharge permit;
- a motion requesting that TCEQ overturn its executive director's issuance of a wastewater discharge permit; or
- a motion requesting that TCEQ review its decision denying a

request for a contested case hearing on an application for a wastewater discharge permit or approving an application for a wastewater discharge permit after a contested case hearing had been conducted.

The bill would take effect September 1, 2015, and would apply only to a request or motion filed with TCEQ on or after that date.

SUPPORTERS SAY:

HB 912 would streamline the approval process for permitting new wastewater facilities by dismissing protests that were not well founded. Protests increase the cost and amount of time required to put new wastewater facilities in place.

The bill would provide clear standards for dismissals in cases where protesting municipalities were not treating their own effluent to the same level as the entity whose permit or application was being protested. The bill would improve fairness, speed up the approval process for new wastewater treatment facilities, and generally support responsible development in communities around the state.

OPPONENTS SAY:

HB 912 would add unnecessary procedures to a process that already works and take away a legitimate protection for cities. Protests are rare, and municipalities pursue them only when necessary. Standards for wastewater discharge permits are determined by TCEQ and vary according to the size and flow of a waterway and other factors, including the downstream uses of the water. There is no reason to consider the standards followed by one municipality — which would have been approved by TCEQ when issued — in determining the validity of the protest of a permit or permit application of another. The protest should be evaluated on the merits of the particular situation and the need to protect water quality. Municipalities also would not be treated fairly compared to private landowners, who would not be held to the same standards.

OTHER OPPONENTS SAY:

HB 912 would not adequately define “less stringent” for the purposes of making a determination about a municipality’s own wastewater permitting standards. In addition, municipalities can hold multiple permits and it is not clear which permit would be the one used to make the determination under the bill.

SUBJECT: Establishing a minimum penalty for commercial vehicle safety violations

COMMITTEE: Transportation — committee substitute recommended

VOTE: 12 ayes — Pickett, Martinez, Burkett, Y. Davis, Fletcher, Harless, Israel, McClendon, Murr, Paddie, Phillips, Simmons

0 nays

WITNESSES: For — Ernest White and Chapel Love, Houston Police Department; (*Registered, but did not testify*: Lindsay Lanagan, City of Houston; Les Findeisen, Texas Trucking Association)

Against — None

On — (*Registered, but did not testify*: Omar Villarreal, Texas Department of Public Safety; John Barton, James Bass, Bill Hale, and Joe Weber, Texas Department of Transportation; Victor Vandergriff, Texas Transportation Commission)

BACKGROUND: Transportation Code, ch. 644 establishes safety standards for commercial motor vehicles. Sec. 644.151 makes a violation of the safety standards a class C misdemeanor (maximum fine of $500).

Some have suggested that some judges in certain urban areas have been issuing minimal fines, some as low as $1, to commercial trucks for serious safety violations, which detracts from the intended deterrent effect of fines in upholding safety standards.

DIGEST: CSHB 823 would make safety violations of commercial motor vehicles related to brakes, tires, or load securement under Transportation Code, sec. 644.151 a class C misdemeanor punishable by a fine ranging from $150 to $500 for violations of the following federal safety standards:

- 49 C.F.R., part 393, subpart C, which is related to brakes;
- 49 C.F.R. sec. 393.75, which is related to tires; and
- 49 C.F.R., part 393, subpart I, which is related to cargo securement.

CSHB 823 would take effect September 1, 2015, and would apply only to an offense that occurred on or after that date.

SUBJECT: Creating a defense for carrying a handgun into an airport checkpoint

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 9 ayes — Phillips, Nevárez, Burns, Dale, Johnson, Metcalf, Moody, M. White, Wray

0 nays

WITNESSES: For — Terry Holcomb, Texas Carry; (*Registered, but did not testify*: Gina Holcomb, Texas Carry)

Against — None

On — (*Registered, but did not testify*: Sherrie Zgabay, Oscar Ybarra, Texas Department of Public Safety)

BACKGROUND: Under Penal Code, sec. 46.03(a)(5), it is a third-degree felony (two to 10 years in prison and an optional fine of up to $10,000) to intentionally, knowingly, or recklessly possess or carry a prohibited weapon, including a handgun, in or into a secured area of an airport. It is not a defense to prosecution that the individual is a concealed handgun license holder.

Some travelers whose handguns have been found and confiscated when they walked through airport security have reported having forgotten that they were carrying a firearm.

DIGEST: HB 554 would create a defense to prosecution of the offense for unlawfully carrying a prohibited weapon in or into a secured area of an airport if the individual:

- possessed a concealed handgun the individual was licensed to carry at the screening checkpoint for the secured area; and
- immediately exited the screening checkpoint for the secured area when notified that the individual possessed the handgun.

A police officer could not arrest a licensed individual merely for

unlawfully carrying a concealed handgun in or into a secured area of an airport unless the individual declined to leave immediately after having been told by the officer of the available defense and having received an opportunity to exit the checkpoint.

The bill would take effect September 1, 2015, and would apply only to an offense committed on or after that date.

SUBJECT: Rules, report on discretionary transfers from School Land Board fund

COMMITTEE: Appropriations — favorable, without amendment

VOTE: 19 ayes — Otto, Sylvester Turner, Bell, G. Bonnen, Burkett, Capriglione, S. Davis, Gonzales, Howard, Hughes, Koop, Longoria, McClendon, Miles, Muñoz, Phelan, J. Rodriguez, Sheffield, Walle

0 nays

8 absent — Ashby, Dukes, Giddings, Márquez, R. Miller, Price, Raney, VanDeaver

WITNESSES: For — (*Registered, but did not testify*: Dana Harris, Greater Austin Chamber of Commerce; Colby Nichols, Texas Association of Community Schools, Texas Rural Education Association, Instructional Materials Coordinators' Association of Texas; Christy Rome, Texas School Coalition)

Against — None

On — (*Registered, but did not testify*: Susan Biles, General Land Office; Ursula Parks and Brendon Riggs, Legislative Budget Board)

BACKGROUND: The General Land Office holds certain funds in the real estate special fund from a real estate portfolio that is managed by the School Land Board for the public schools. At its discretion, the School Land Board can make transfers from the real estate special fund directly to the available school fund and the State Board of Education-controlled part of the permanent school fund.

According to the Legislative Budget Board (LBB), the School Land Board has no formal policies or procedures to determine whether to transfer funds or how much to transfer, and there are no formal polices to notify the controller of a transfer. HB 1551 would track recommendations by the LBB in its January 2015 report on Texas State Government Effectiveness and Efficiency to increase the transparency of discretionary transfers from

the real estate special fund.

DIGEST:

HB 1551 would require the School Land Board to adopt rules to establish the procedure it would use to determine the date and amount of a transfer from the real estate special fund account to the available school fund or to the State Board of Education for investment in the permanent school fund, as allowed by Natural Resources Code, sec. 51.413.

By September 1 of even-numbered years, the board would have to submit a report that specifically and in detail stated the date a transfer would be made and the amount the board would transfer during the subsequent fiscal biennium from the real estate special fund account of the permanent school fund to the available school fund or to the State Board of Education for investment in the permanent school fund. The report would have to be submitted to the Legislature, the comptroller, the State Board of Education, and the Legislative Budget Board.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUBJECT: Allowing federal post card applicant voters to receive ballots by e-mail

COMMITTEE: Elections — favorable, without amendment

VOTE: 5 ayes — Laubenberg, Goldman, Israel, Reynolds, Schofield

0 nays

2 absent — Fallon, Phelan

WITNESSES: For — Ed Johnson, Harris County Clerk Office; George Hammerlein, Harris County Clerk's Office; (*Registered, but did not testify*: Colleen Vera; Dana DeBeauvoir, County Clerks Legislative Committee; Bill Sargent, Galveston county clerk; LaQuan Rogers, Get Fit Wit Me; Cinde Weatherby, League of Women Voters of Texas; John Oldham, Texas Association of Elections Administrators; Glen Maxey, Texas Democratic Party; Bill Fairbrother, Texas Republican County Chairmen's Association)

Against — None

On — Alan Vera, Harris County Republican Party Ballot Security Committee; (*Registered, but did not testify*: Ashley Fischer, Texas Secretary of State; Keith Ingram, Texas Secretary of State, Elections Division)

BACKGROUND: The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) currently permits members of the U.S. Uniformed Services and merchant marine, their family members, and U.S. citizens residing outside the country to receive a ballot for an election by e-mail if a federal candidate or issue is on the ballot.

Election Code, sec. 101.104, conforms to UOCAVA requirements by allowing the e-mail transmission of balloting for an election in which an office of the federal government appears on the ballot, including a primary election and an election to fill a vacancy in the Legislature, under certain circumstances.

For other elections, voters who are outside of Texas due to military

service or another reason, who are registered or eligible to vote in the state, must receive ballot materials and vote by mail if they wish to vote.

DIGEST:

HB 2778 would amend Election Code, sec. 101.104 to allow for balloting materials to be sent by e-mail for any election in which a federal postcard applicant voter was eligible to vote.

This bill would take effect September 1, 2015.

SUBJECT: Managing water resources with state and local drought planning

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 10 ayes — Keffer, Ashby, D. Bonnen, Burns, Kacal, T. King, Larson, Lucio, Nevárez, Workman

0 nays

1 absent — Frank

WITNESSES: For — Dana Frandsen, League of Woman Voters of Texas; (*Registered, but did not testify*: Heather Cooke, City of Austin; David Foster, Clean Water Action; Cyrus Reed, Lone Star Chapter Sierra Club; Myron Hess, National Wildlife Federation; Joshua Houston, Texas Impact; David Weinberg, Texas League of Conservation Voters; Perry Fowler, Texas Water Infrastructure Network)

Against — (*Registered, but did not testify*: Terri Hall, Greater Edwards Aquifer Alliance)

On — Ron Ellis, Texas Commission on Environmental Quality; (*Registered, but did not testify*: Patrick Moore, Legislative Budget Board; Robert Mace, Texas Water Development Board)

BACKGROUND: Under Water Code, sec. 11.1272, the Texas Commission on Environmental Quality, by rule, requires wholesale and retail public water suppliers or irrigation districts to develop drought contingency plans consistent with the regional water plan to be implemented during periods of water shortages and drought.

DIGEST: CSHB 928 would expand the duties of the Water Conservation Advisory Council to include assisting with drought preparedness and response by:

- monitoring and recommending strategies for responding to drought; and
- recommending methodologies for conducting drought contingency

plan evaluations.

The bill also would require the council to monitor new drought response technologies for possible inclusion by the Texas Water Development Board (TWDB) in the best management practices guide.

The bill would amend Water Code, sec. 11.1272 relating to drought contingency plans by allowing a wholesale or retail public water supplier or irrigation district to review and update their drought contingency plan for submission to the Texas Commission on Environmental Quality (TCEQ). Drought contingency plans could include an evaluation of strategies implemented during previous periods of significant drought. TCEQ, by rule, could define "significant drought."

The bill would require a supplier to notify TCEQ within five business days of altering or lifting a mandatory provision of the supplier's drought contingency plan. TCEQ would be required, by rule, to establish criteria for determining what had to be reported.

TCEQ would be required to maintain on its website a current list of public water suppliers implementing a drought contingency plan, including the following information for each supplier:

- the degree of drought severity in the county or counties in the supplier's service area;
- whether the service area of the supplier was in a county subject to an emergency disaster proclamation due to drought conditions; and
- the drought response stage the supplier was implementing.

The bill would require the Texas Water Development Board, TCEQ, and the Water Conservation Advisory Council to regularly review and update the water conservation best management practices guide, including best management practices for drought response. The guide would have to be made available on the TWDB website.

The bill would take effect September 1, 2015.

SUPPORTERS

CSHB 928 would improve state and local drought planning to more

SAY:

effectively manage water resources. In 2011, Texas experienced the worst single-year drought on record. Rainfall has since improved conditions, but about 20 percent of the state remains in severe to exceptional drought conditions.

Water suppliers are only required to complete and submit drought contingency plans to TCEQ every five years or upon issuance of a governor's emergency disaster proclamation for drought. To more effectively manage reduced water supplies, the state needs consistent reporting responses to drought, as well as sound best practices and knowledge of what actually works well as a drought strategy. CSHB 928 would provide the necessary tools for drought management by improving state oversight and consistency in reporting information from water suppliers. The bill also would require the development of best practices for addressing temporary drought conditions to serve as a guide for effectively managing water resources during periods of short supply.

OPPONENTS SAY:

The requirement for a supplier to notify TCEQ within five business days of any changes to its drought contingency plan might not be a feasible time frame. TCEQ rulemaking would need to address the five-day reporting requirement in a way that ensured water suppliers could comply, including continuing to be able to submit reports electronically.

SUBJECT: Establishing a motor-bus-only lane pilot program in certain counties

COMMITTEE: Transportation — favorable, without amendment

VOTE: 12 ayes — Pickett, Martinez, Burkett, Y. Davis, Fletcher, Harless, Israel, McClendon, Murr, Paddie, Phillips, Simmons

0 nays

WITNESSES: For — Todd Hemingson, Capital Metro; (*Registered, but did not testify*: Seth Mitchell, Bexar County Commissioners Court; Christy Willhite, Capital Metro; Nancy Williams, City of Austin; Thomas Butler, Downtown Austin Alliance; Chris Shields, Fort Worth Transportation Authority; Dana Harris, Greater Austin Chamber of Commerce; Heidi Gerbracht, Real Estate Council of Austin; Victor Boyer, San Antonio Mobility Coalition, Inc.; Mark Mendez, Tarrant County Commissioners Court; Vic Suhm, Tarrant Regional Transportation Coalition; Conrad John, Travis County Commissioners Court; Marc Rodriguez, VIA Metropolitan Transit Authority)

Against — (*Registered, but did not testify*: Terri Hall, Texas TURF, Texans for Toll-free Highways)

On — Randy Machemehl, University of Texas; (*Registered, but did not testify*: Justin Chrane, Texas DPS; Mark Marek, TxDOT)

BACKGROUND: Transportation Code, sec. 545.058(c) allows emergency vehicles, police patrols, and bicycles to operate on improved shoulders. All other vehicles may use an improved shoulder only under specified circumstances and if the operation is necessary and may be done safely.

Two bills vetoed in recent years would have established a public transit motor-bus-only lane pilot program in certain counties — SB 434 by Wentworth, passed by the 81st Legislature in 2009, and HB 2327 by McClendon, passed by the 82nd Legislature in 2011.

DIGEST: HB 1324 would direct the Texas Department of Transportation (TxDOT),

in consultation with the Department of Public Safety and local transit authorities, to develop a pilot program allowing buses to travel in the shoulders of certain highways by December 31, 2015.

The pilot program could operate in Bexar, El Paso, Tarrant, or Travis counties or in certain adjacent counties. It would allow buses operated by mass-transit entities in these counties to use highway shoulders as low-speed bypasses when traffic in the main lanes was traveling no faster than 35 miles per hour. Buses traveling on the shoulder could travel up to 15 miles per hour faster than traffic in the main lanes, up to a top speed of 35 miles per hour. The program would provide for the attainment of local operational experience in converting shoulders to bus-only lanes during peak traffic periods.

HB 1324 would require that TxDOT develop operator safety training, public awareness and education programs, rules that required buses to yield to passenger cars and emergency vehicles, and signage and other markings indicating the shoulders the buses could use. TxDOT would fund the program in conjunction with the transit entities, which would be required to reimburse TxDOT for program expenses.

TxDOT would be required to submit a report about the program to the governor, lieutenant governor, speaker of the house, and the transportation committee chairs of each house by December 31, 2017. The report would have to include a description of program results, recommendations for changes, and a plan for making the program permanent.

TxDOT could cancel the pilot program at any time if it was found that it led to more crashes. Pilot program buses could not operate on a toll road without the consent of the regional tollway authority.

HB 1324 also would add mass transit buses to the list of vehicles allowed to operate on improved shoulders as a matter of course.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUPPORTERS SAY:

HB 1324 would offer one approach to addressing congestion on roadways in Texas by allowing express buses to use highway shoulders as a low-speed bypass. Regional mobility is one of the greatest challenges Texas faces. In addition to improving transit time and reliability, the bill could make transit use more appealing to commuters, thereby reducing congestion.

Similar programs in other states have shown that allowing buses to use shoulders as low-speed bypasses is safe and can make transit faster than commuting in a private automobile. These programs also have seen a significant rise in the number of bus commuters.

Safety is a primary concern for these pilot programs. Transit agencies would be required to develop safety training programs and protocols. In the interest of safety, the bill would stipulate that the buses could not travel faster than 15 miles an hour faster than traffic in the main lanes.

HB 1324 would require buses traveling on shoulders to yield to emergency vehicles and passenger cars, which would mitigate concerns about public safety. The bill also would have no cost to the state. Transit agencies would be required to reimburse TxDOT for any costs in signage or other road markings.

A study by the University of Texas at Austin's Center for Transportation Research indicates that bus-on-shoulder programs are safe and highly efficient. The primary cost of the program would be signage, and the cost savings due to efficiency would pay for the program in short order.

OPPONENTS SAY:

HB 1324 would threaten public safety and could confuse other drivers on the road. Allowing transit buses to use highway shoulders could interfere with emergency vehicles that used the shoulders, which could be unsafe for emergency personnel, bus passengers, and other motorists.

SUBJECT: Violating bond by tampering with monitoring system in certain cases

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Herrero, Moody, Canales, Hunter, Leach, Simpson

0 nays

1 absent — Shaheen

WITNESSES: For — Chad Lynn, Austin Police Department; (*Registered, but did not testify*: Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Aaron Setliff, The Texas Council on Family Violence; Lon Craft, Texas Municipal Police Association)

Against — (*Registered, but did not testify*: Kristin Etter, Texas Criminal Defense Lawyers Association)

BACKGROUND: Penal Code, sec. 25.07 makes it a class A misdemeanor (up to one year in jail and/or a maximum fine of $4,000) to commit certain actions in violation of certain court orders or conditions of bonds in a family violence, sexual assault or abuse, or stalking case.

DIGEST: HB 2645 would expand the Penal Code, sec. 25.07 offense involving violating certain court orders or bond conditions in family violence, sexual assault or abuse, and stalking cases to include removing or attempting to remove a global positioning monitoring system.

The bill would take effect September 1, 2015, and would apply only to offenses committed on or after that date.

SUPPORTERS SAY: HB 2645 is needed to deter tampering with an electronic monitor ordered by a court as a condition of bond in family violence, sexual assault and abuse, and stalking cases and to adequately punish those who do so. Removing or attempting to remove a monitoring device can signal that someone is intending to so something he or she should not and could place the alleged victim in danger.

Currently, if someone cuts off or tampers with an ankle monitor or other device ordered as part of a bond condition in these cases, the action is a bond violation, not a crime. The tampering must be handled through the process to revoke bond, and generally, there would be no immediate arrest. The bond revocation process includes a hearing, with no guarantee that a bond would be revoked. This can be time consuming when time may be of the essence to protect an alleged victim.

HB 2645 would address this issue by including removing or attempting to remove a monitoring system in the list of things that can trigger the offense of violating a condition of bond in family violence, sexual assault and abuse, and stalking cases. This would allow police officers to take immediate action in these cases and to arrest the defendant and protect the alleged victim. In other cases, victims would be protected by the bill deterring tampering in the first place.

OPPONENTS SAY:

The situation described by HB 2645 would be better handled through a bond revocation hearing than by expanding a crime. Such a hearing could result in bond being revoked and a defendant being jailed, if necessary to protect an alleged victim.